

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE Pursuant to Fed. R. Civ. P. 26(c) and 45(c), non-party Digital River, Inc. and its affiliates (“Digital River”) respectfully seeks: (1) an order quashing the subpoena duces tecum and deposition subpoenas (collectively, the “Subpoena”) served on Digital River by Google, Inc. (“Google”) and (2). a protective order from this Court prohibiting Google, from requiring production of documents from Digital River or deposition of a Digital River representative in the related matter.

This Motion is based upon this Notice, the accompanying Memorandum of Points and Authorities, all pleadings and papers filed in this action, and upon such other matters as may be presented to the Court at the time of hearing.

Respectfully submitted,

Dated: April 16, 2010

/s/ **Frank S. Farrell Jr.**

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CERTIFICATE OF E-FILE SERVICE AND WORD COUNT

I hereby certify that on April 16, 2010, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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There are no other parties/attorneys to be served that are not ECF users.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and executed on April 16, 2010, in the City of Edina, State of Minnesota.

In addition, I certify that the accompanying memorandum of law does not exceed 12,000 words.

/s/ Alexander Farrell
Alexander Farrell